

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

GREGORY OLDFIELD,

Petitioner,

v.

G. ROSALEZ,

Respondent.

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1:23-cv-1320-DII

ORDER

Before the Court is Petitioner Gregory Oldfield’s (“Oldfield”) Petition for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241. (Dkt. 1). (*Id.*). The case was referred to United States Magistrate Judge Mark Lane for findings and recommendations, pursuant to 28 U.S.C. § 636(b). Defendant G. Rosalez (“Rosalez”) filed a motion to dismiss on December 6, 2023. (Dkt. 10). In his report and recommendation, Judge Lane recommends that the Court grant Rosalez’s motion to dismiss and that Oldfield’s petition be dismissed with prejudice. (Dkt. 14). After the report and recommendation was issued, Oldfield filed a response to the motion to dismiss. (Dkt. 17). Because Oldfield already filed a response to the motion to dismiss, (Dkt. 12), the Court will construe Oldfield’s submission as objections to the report and recommendation.

A party may serve and file specific, written objections to a magistrate judge’s findings and recommendations within fourteen days after being served with a copy of the report and recommendation and, in doing so, secure *de novo* review by the district court. 28 U.S.C. § 636(b)(1)(C). Because Oldfield timely objected to the report and recommendation,¹ the Court reviews the report and recommendation *de novo*. Having done so and for the reasons given in the

¹ Although it appears that Oldfield may only challenge portions of the report and recommendation, this Court reviewed the entire report and recommendation *de novo*.

report and recommendation, the Court overrules Oldfield's objections and adopts the report and recommendation as its own order.

Accordingly, **IT IS ORDERED** that the report and recommendation of United States Magistrate Judge Mark Lane, (Dkt. 14), is **ADOPTED**. Rosalez's motion to dismiss, (Dkt. 10), is **GRANTED. IT IS FURTHER ORDERED** that Oldfield's petition, (Dkt. 1), is **DISMISSED WITH PREJUDICE**.

SIGNED on May 28, 2024.

A handwritten signature in blue ink, appearing to read "Robert Pitman", is written above a horizontal line.

ROBERT PITMAN
UNITED STATES DISTRICT JUDGE